UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,327	11/30/2005	Urbain Du Plessis	13070.23	1634

22913 7590 03/17/2010

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
KOSANOVIC, HELENA	
ART UNIT	PAPER NUMBER
3749	
MAIL DATE	DELIVERY MODE
03/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/540,327	DU PLESSIS, URBAIN	
	Examiner	Art Unit	
	HELENA KOSANOVIC	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objection

1. Claims 1, 3-15 are objected, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how electrical equipment comprising a sealed chamber when said sealed chamber has a filter opening for transferring the air into and out of said sealed chamber. Therefore sealed chamber is not sealed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki 6,824,595 in view of Urano 4,254,339.

Ueki teaches:

Regarding claims 1 and 12, electrical equipment comprising a sealed chamber (col. 5, ll. 40-45) in which an electrical appliance is housed (col. 5, ll. 40-45), and a multi-stage breather filter (13, 14 at least fig. 5) is attached to the sealed chamber, the

filter comprising a filter housing 12 (at least fig. 3) to define an airflow passageway, the passageway including a series of filter, the filter stages including:

a) a porous membrane 14 (fig. 3)

b) activated carbon 13 (fig. 3), and

c) silica gel (col. 6, ll. 57-59),

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (col. 6, ll. 60-63).

Regarding claim 3, the passageway defines an air inlet 22 (fig. 5) at one end and an outlet 14 (fig. 5) at the other, the outlet being coupled to the sealed chamber.

Regarding claim 4, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 5, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 7, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 8, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 9, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 10, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 11, wherein the filter stages are designed to minimize pressure differentials and ensure low resistance to air flow (as long as the instant application perform said limitation the applied prior art does the same because the structure of the

apparatus and the filters are the same. Therefore similar structures would perform the similar results.)

Ueki teaches the invention as discussed above, and further regarding claim 6, wherein the porous membrane 14 is positioned adjacent/near the air inlet (fig. 5c), but is not specific about having a filter_stages separate from each other so that the silica gel is adjacent air outlet and carbon filter is in front of silica gel.

Urano teaches silica gel filter 46 and carbon filter 45 being separate wherein silica gel filter 46 is near outlet and carbon filter 45 is in front said silica gel filter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the Ueki adsorbent filters with the Urano separate filer in specific order because the substitution of one known element for another would have yielded predictable results of filtering the air.

3. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashemi 5,406,467 in view of in view of Urano 4,254,339 and further in view of Ueki 6,824,595

Hashemi teaches the invention as claimed:

Regarding claim 13 an electrical device 10 (fig. 1) comprising:

a sealed chamber (12, fig. 1) in which an electrical appliance is housed (col. Col. 2, l. 35), and a multi-stage breather filter (22, figs. 2-3) is attached to the sealed chamber, the filter comprising a filter housing 20, 18 (figs. 1-3) to define an airflow passageway;

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (if the applicant apparatus does that than the applied prior art does the same because the similar structure produces the similar results); and

an electrical appliance disposed within the sealed chamber (col. 2, l. 35).

Regarding claim 14, wherein the electrical appliance comprises a light element (col. 2, l. 35).

Regarding claim 15, wherein the electrical device comprises a vehicle headlight (col. 2, ll. 24-25).

Hashemi teaches the invention as discussed above but is silent about the passageway that includes a series of filter stages separate from each other, wherein the filter stages including, a porous membrane 14, activated carbon and silica gel.

Urano teaches a passageway having an activated carbon 45 and silica gel 45 (col. 5, ll. 19-20, fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi invention modified with the Urano separate filters in order to purify the air from the moisture and dust (col. 5, ll. 17-20).

Hashemi in view of Urano teaches the invention as discussed above but is silent about a membrane.

Ueki teaches a housing 12 (fig. 3) for the filter 13 (fig. 3) having a breathable membrane 14 (fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi in view of Urano invention in view of Ueki membrane in order to cover the adsorbent with a breathable member to form an adsorbent unit bonding together the breathable member and the peripheral portion of the base around the adsorbent to form a collar and than attach said filter housing to the air tight container (col. 3 ll. 63-67 and col. 4, ll. 1-3) in order to provide further filtering.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/
Examiner, Art Unit 3749

020210

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749